

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/8/09

-----X  
BEAUTIFUL JEWELLERS PRIVATE LTD., :

Plaintiff, : **ORDER**

- against - : 06 Civ. 3085 (GBD)(FM)

TIFFANY & CO., :

Defendant. :

-----X  
**FRANK MAAS**, United States Magistrate Judge.

Certain cases give rise to more discovery disputes than others. This is one such case. For reasons which have been fully explained over the course of numerous conferences, I previously directed that the next discovery event in this case be the deposition of Rajesh Mehta, the plaintiff's principal, which was at one point scheduled for June 19 and 20, 2008. Unfortunately, Mr. Mehta has had back problems (and is taking medication) which his doctor represented made it impossible for him to be deposed, a circumstance that continues to persist. Indeed, as of today, it is not known when, if ever, Mr. Mehta will be fit to be deposed.

Over the past ten days, I discussed this stalemate with counsel and presented several options that I considered feasible, including placing the case on the suspense calendar until Mr. Mehta is healthy enough to proceed. Having weighed the pros and cons of each alternative, I have concluded that discovery should be bifurcated,


and that fact discovery as to liability should be completed first. (There does not appear to be any expert discovery regarding liability.) I recognize that once this first phase of discovery is completed, the defendant may wish to test the viability of the plaintiff's legal theories through a motion for summary judgment.

Accordingly, it is hereby ORDERED that:

1. The deadline for the completion of all discovery as to liability shall be July 8, 2009.
2. A further telephone conference shall be held on July 9, 2009, at 10 a.m. Counsel for plaintiff should initiate the conference by calling Chambers at (212) 805-6727.

SO ORDERED.

Dated: New York, New York  
April 8, 2009

  
FRANK MAAS  
United States Magistrate Judge

Copies to:

Hon. George B. Daniels  
United States District Judge

Todd A. Higgins, Esq.  
Crosby & Higgins, LLP  
Fax: (646) 452-2301

Jeffrey A. Mitchell, Esq.  
Gibbons, P.C.  
Fax: (212) 554-9696